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राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा अधिसूचनाएं।

Food and Civil Supplies Department

Notification

Jaipur, May 19, 2023

S.O.81 .-In exercise of the powers conferred by sub-section (1) and (2) of section 40 of the National Food Security Act, 2013 (Central Act No. 20 of 2013), the State Government proposes to make the following Rajasthan State Food Commission Rules, 2023. The draft of said rules is hereby published as required by sub-section (1) of the said section for information of all persons likely to be affected thereby and notice is hereby given to them that the said draft shall be taken into consideration after the expiry of a period of fifteen days from the date on which copies of these draft rules as published in the Official Gazette are made available to the public.

Any objection or suggestion should be addressed to the Secretary to Government in-charge of Food, Civil Supplies and Consumer Affairs Department, Rajasthan, Government Secretariat, Jaipur.

Any objection or suggestion which may be received from any person before expiry of the period as specified above shall be considered by the State Government.

Draft Rules

1. Short title and commencement.– (1) These rules may be called the Rajasthan State Food Commission (Draft) Rules, 2023.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.– (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the National Food Security Act, 2013 (Central Act No. 20 of 2013);

(b) "Chairperson" means Chairperson of the Rajasthan State Food Commission;

(c) "Complaint" means complaint received whether in writing or electronically or orally received through telephone helpline number;

(d) "Department" means Food, Civil Supplies and Consumer Affairs Department, Rajasthan;

(e) "District Grievance Redressal Officer" means any officer appointed or designated by the State Government under sub-section (1) of section 15 of the Act to dispose of grievances in the district;

(f) "Government" means the Government of Rajasthan;

(g) "Member" means a member of the Rajasthan State Food Commission; and

(h) "State Food Commission" means the Rajasthan State Food Commission constituted under section 16 of the Act.

(2) Words and expressions used and not defined in these rules but defined in the National Food Security Act, 2013 (Central Act No. 20 of 2013), the Essential Commodities Act, 1955 (Central Act No. 10 of 1955) and the orders or rules made thereunder shall have the same meanings as assigned to them in the said Acts, said orders or rules.

3. Method of Appointment of Chairperson and Members.– (1) The Chairperson and Members of the State Food Commission shall be appointed by the Government on the recommendation of the search committee consisting of following, namely:-

(a)	The Chief Secretary Rajasthan	Chairman
(b)	The Secretary to the Government in-charge of Law and Legal Affairs Department	Member
(c)	The Secretary to the Government in-charge of Food, Civil Supplies and Consumer Affairs Department	Member-Secretary

(2) For the appointment of the Chairperson and Members of the State Food Commission, applications shall be invited by the Department through advertisement in daily newspapers of wide circulation and also on the Government websites.

(3) The process of selection shall be initiated by the State Government within three months of the coming into force of these rules in the first instance and three months prior to the completion of tenure of the existing Chairperson or Member, as the case may be and shall be concluded within two months.

(4) The Search Committee, after considering the provisions of sub-section (2) to (4) and (9) of section 16 of the Act, shall recommend a panel of suitable and eligible candidates to the State Government for the appointment of Chairperson and Members within two months from the date of advertisement of the vacancies. However, the recommended panel provided by the Search Committee shall not indicate any preference order.

(5) If the State Government is not satisfied with the panel of candidates forwarded by the search committee, it may return the same to the search committee for reconsideration or the State Government may invite fresh applications as per sub rule (3).

(6) Prior to assuming the office of Chairperson or Member of the State Food Commission, an individual must provide a declaration confirming that none of the disqualifications specified under sub-section (9) of section 16 of the Act apply to him/her.

(7) In case the post of Chairperson or Member becomes vacant due to death or due to resignation or for any other reason, the appointment process shall be commenced immediately.

4. Terms and conditions of service, reappointment, resignation and removal of the Chairperson and Members of the State Food Commission.– (1) Term and conditions of service, reappointment and removal of the Chairperson and Members of the State Food Commission shall be in accordance with provisions of sub-section (2) to (4), (9) and (10) of section 16 of the Act.

(2) The administrative control of the State Food Commission shall be with the Department of Food and Civil Supplies of Rajasthan.

(3) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office unless removed earlier and shall be eligible for reappointment. However, no person shall hold office as the Chairperson or other Member after he/she has attained the age of sixty-five years.

(4) The Chairperson or a Member may, by writing under his hand addressed to the Government, resign from the office of the Chairperson or Member at any time. Such post shall become vacant only when the State Government accepts the resignation.

(5) In case of a casual vacancy in the office of the Chairperson of the State Food Commission, the State Government shall have the power to appoint any member to perform the duties of Chairperson.

(6) The term of service of the Chairperson and the Members for which no express provision has been made in these rules shall be such as may be determined by the State Government.

5. Salary, allowances, fees payable and other terms and conditions of the Chairperson and Members of the State Food Commission.- (1) Salary and allowances to the Chairperson of the State Food Commission shall be regulated as under:-

(i) If the Chairperson of the State Food Commission is equated with the Minister/State Minister/Deputy Minister his salary, allowance and facilities shall be regulated by the Cabinet Secretariat Order number. F.11 (1) मं. मं. / 1999 dated 18.07.2022;

(ii) If the Chairperson of the State Food Commission is not equated with the Minister/State Minister/Deputy Minister his salary, allowance and facilities shall be regulated by the Cabinet Secretariat Order number F.11(2) मं. मं. /2022 dated 19.07.2022;

(iii) If the Chairperson of the State Food Commission is appointed from the Serving Officer he will draw pay and allowances of his service; or

(iv) If the Chairperson of the State Food Commission is appointed from Retired Officers he will draw salary last pay minus pension and DA on net pay. House Rent Allowance, if admissible, shall be on last pay drawn subject to the condition that he/she shall produce an affidavit to the effect that he/she or his/her spouse has no house, in their own name or no accommodation is provided by Central/State Government or any of their Public Sector Undertaking to his/her spouse at the headquarter of the State Food Commission.

(2) Fees and Facilities to the Members of the State Food Commission shall be regulated as per Cabinet Secretariat Order dated 11.09.2012.

(3) The Chairperson and Members of the State Food Commission shall not be entitled to any pension for the service rendered in the Food Commission.

(4) The Chairperson and Members of the State Food Commission shall not be reimbursed for travelling or any other expenses for commuting to the meetings of the Food Commission.

(5) The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

6. Appointment and duties of Member Secretary.– (1) The State Government shall appoint an officer, not below the rank of Joint Secretary serving under the State Government as Member-Secretary of the State Food Commission.

(2) The post of Member Secretary may be filled either by deputation or may be assigned to an Officer of the above said rank additionally with his/her other regular duties assigned by the State Government.

(3) The Member Secretary shall be responsible for the proper administration of the affairs of the State Food Commission and its day-to-day management and shall exercise such other powers and discharge such other duties as may be determined, from time to time, by the State Government. The Member Secretary shall,-

(a) ensure the compliance of the decisions taken by the State Food Commission regarding the implementation of the Act;

(b) prepare budget in consultation with the State Government for various activities of the State Food Commission;

(c) prepare an annual report and audit report of the State Food Commission and submit the same at the State Assembly through State Government;

(d) perform duties within the financial limits fixed by the Chairperson of the State Food Commission; and

(e) act as Disciplinary Authority for officers and employees of the State Food Commission.

(5) The Member Secretary shall also act as the Registrar of the State Food Commission.

7. Procedure of meetings of the State Food Commission.– (1) Meetings of the State Food Commission, as and when necessary, shall be convened by the Chairperson.

(2) The quorum for the meeting of the State Food Commission shall be three including the Chairperson.

(3) The Member Secretary of the State Food Commission shall,-

(a) issue notice of meetings of the State Food Commission;

(b) prepare the agenda for the meeting in consultation with the Chairperson and make available to the Chairperson and Members of the State Food Commission prior to three days of the meeting; and

(d) prepare minutes of the meeting and ensure the implementation of the decision taken in the meeting and submit the action taken report in the next meeting.

8. The method of appointment of Staff of State Food Commission, their salary, allowances and terms of service.- (1) The State Government shall provide Officers and Staff as deemed necessary for the efficient performance of the functions of the State Food Commission as per the schedule appended to these rules.

(2) The staff provided to the State Food Commission shall be on deputation as mentioned in Schedule. However, the Class IV employee shall be engaged on outsource basis as per Finance (G&T) Department's circular dated 30.04.2018 and Driver from REXCO/Home Guard.

(3) The State Government shall make provisions for the salary and allowances of Member Secretary, supporting staff and other administrative expenses required for the proper functioning of the State Food Commission, from the Consolidated Fund of the State Government.

9. Procedure for Registering Complaint and Appeals.– (1) Complaint regarding violation of entitlements under the Act or appeal against the order of the District Grievance Redressal Officer shall be presented by the complainant or appellant to the State Food Commission in person or by registered post or any electronic mode, addressed to the Member Secretary of the Commission.

(2) Any appeal against the order of the District Grievance Redressal Officer shall be submitted before the State Food Commission within 30 days from the date of receipt of such order.

(3) When the Memorandum of Appeal is presented after the expiry of thirty days, such Memorandum of appeal shall be accompanied by an application supported by an affidavit setting forth the fact on which the Appellant relies to satisfy the State Food Commission that he has sufficient cause for not presenting the appeal within the period of limitation.

(4) Every appeal shall be accompanied by the copy of the order of the District Grievance Redressal Officer and such of the documents as may be required to support grounds of appeal.

(5) Complaint or appeal shall be filed with specific details and contact information of the complainant or appellant.

(6) No anonymous complaint shall be entertained.

10. Disposal of complaints and Appeals by the State Food Commission.– (1) The State Food Commission shall, on receipt of any complaint, seek a report on it from the District Grievance Redressal Officer, along with supporting documents, who shall be required to furnish it within fifteen days.

(2) The State Food Commission shall have powers relating to inquiries as specified in section 20 of the Act.

(3) Taking into consideration the report of the District Grievance Redressal Officer, and the available documents, the State Food Commission shall issue appropriate orders for redressal of the complaint, within fifteen days from the date of receipt of the report of the District Grievance Redressal Officer.

(4) In the case of an appeal against the orders of the District Grievance Redressal Officer, the State Food Commission shall give an opportunity to appellant and respondent to present their cases in person or through a representative on a fixed date, time and place and after having heard them, decide the appeal within a period of ninety days from the date of receipt of the appeal.

(5) On the date fixed for hearing, it shall be obligatory for the appellant and non-appellant to present their case in person or through a representative or agent before the State Food Commission, and in case of failure to do so, the State Food Commission may on its own discretion either dismiss the case or proceed to enquire the matter ex-parte and decide the appeal within a period of ninety days from the date of receipt of the appeal.

(6) The order of the State Food Commission shall be authenticated by the Member-Secretary or any other officers of the State Food Commission duly authorized by the State Food Commission on its behalf and the relevant parties shall be informed free of cost.

(7) The State Food Commission shall arrange to deliver copies of the decision to the concerned parties within a period of fifteen days from the date of such decision.

(8) If the State Food Commission is of the opinion that the disposal of the appeal requires more than a period of ninety days, the appellant shall be sent an interim reply citing the reasons for the delay.

(9) The Chairperson shall have the power to constitute a Bench consisting of one or two or three members.

(10) The Chairman shall decide the days of a week for the hearing according to the workload.

(11) In the event of a bench consisting of more than one member, the decision shall be made according to the opinion of the majority:

Provided that if the member of a Bench consisting of an even number differs in opinion on any point, they shall state the point or points on which they differ and make a reference to the Chairperson who shall either hear the case or refer the case to another Bench for decision.

11. Financial Powers of the State Food Commission.– (1) The State Food Commission shall be responsible for the expenditure of the funds received by it for the purpose of the implementation of the Act.

(2) The Chairperson shall have all powers relating to the financial transactions of the State Food Commission, except in cases which require prior approval of the State Government.

(3) The Chairperson shall obtain prior approval of the State Government in the matters of re-appropriation of funds from one head to another, permitting any officer of State Food Commission to participate in Seminars, Conferences or Training Programs abroad and such other matters as may be determined by the State Government, from time to time.

(4) All financial powers of the State Food Commission shall be governed by a delegation of financial powers, rules and circulars, orders, and instructions as may be issued by the Finance Department of the State Government, from time to time, in this behalf.

12. Place of Office, Official Seal, Official emblem, working hours and maintenance of records.- (1) The headquarter of the State Food Commission office shall be at Jaipur.

(2) The working days and office hours of the State Food Commission shall be the same as that of the State Government.

(3) The official seal and emblem of the State Food Commission shall be specified by the State Food Commission with the approval of the State Government.

(4)The State Food Commission shall maintain all the records, including the appeals and records related to their disposal.

Schedule
[see rule 8(1)]

The post of officers and employees of the State Food Commission

S. No.	Designation	Strength	Nature of Appointment
1	Member Secretary	01	On Deputation from RAS Officer
2	District Supply Officer	01	On Deputation from Food, Civil Supplies and Consumer Affairs Department
3	Personal Assistant	01	On Deputation from State Government Departments/Corporation/Board/Contract Basis
4	Enforcement Inspector	01	On Deputation from Food, Civil Supplies and Consumer Affairs Department
5	Stenographer	01	On Deputation from State Government Departments/Corporation/Board/Contract Basis
6	AAO-II	01	On Deputation from Director Treasury and Accounts
7	Senior Assistant	01	On Deputation from Food, Civil Supplies and Consumer Affairs Department
8	Junior Assistant	03	On Deputation from Food, Civil Supplies and Consumer Affairs Department
9	Class IV	04	From outsource as per FD (G&T) Circular dated 30.04.2018
10	Driver	02	From REXCO/Home Guard
Total		16	

[F13(10)(4)Food/Allot./Food Comm./19-I]
By order of the Governor,

Ramswaroop,
Joint Secretary to the Government.

Government Central Press, Jaipur.